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LETTER DATED 13 DECEMBER 1999 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 11 December 1999 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq. The Minister calls attention to the fact that the United Nations Compensation Commission has been concealing from Iraq information relating to claims, and he urges you to intervene with a view to having the Commission follow the proper legal procedures established by international law and judicial precedent so as to protect the assets of the Iraqi people from unwarranted dissipation and waste.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative

Annex

Letter dated 11 December 1999 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

The Government of Iraq has received from the United Nations Compensation Commission 25 procedural orders dated 23 September 1999 that relate to 25 claims for compensation submitted by the Saudi Government on behalf of 25 Saudi ministries and other agencies. In consultation with the secretariat of the Commission, the relevant panel of commissioners characterized these claims as unusually large or complex and accordingly established a deadline of 360 days for the submission of its report and recommendations to the Governing Council. It is to be noted that the procedural orders sent to the Government of Iraq provide no information or particulars concerning the nature of these claims, whether in terms of the legal and material events that caused the damage, the type, nature and date of the damage done or the amount of compensation claimed.

The failure to provide the Government of Iraq with the documentation relating to the claims in question prompts us to reiterate the substance of our previous letters and in particular those of 2 February 1999 (S/1999/113, annex) and 11 May 1999 (S/1999/570, annex), in which the Government of Iraq asked to be provided with all of the information relating to claims and not to be restricted to terse and summary information that allowed no opportunity for a full legal response to be submitted in their regard.

Allow me, in this connection, to refer to paragraph 3 of article 35 of the "Provisional Rules for Claims Procedure" (S/24363, annex I, enclosure), which states that "such claims" (namely "claims of corporations and other entities and claims of governments and international organizations") "must be supported by documentary and other appropriate evidence sufficient to demonstrate the circumstances and amount of the claimed loss". We therefore reiterate our questions concerning the reasons these rules are ignored and such documentation is withheld from the Government of Iraq.

In raising this matter, the Government of Iraq invokes its inalienable right to be fully informed of issues and claims that concern Iraq in its capacity as the respondent State as well as its right to know the contents of the documents submitted by claimants so that it may be able to respond to them. You perhaps share our view that withholding such information from Iraq opens the way for claimants to say whatever they wish in order to obtain the sums they are claiming.

The Government of Iraq has endeavoured to state its position and to reveal the unfair, unlawful and unprecedented methods adopted by the Commission in its dealings with Iraq, methods that have the purpose of preventing Iraq from defending itself and from submitting its responses to large and important claims.

In view of the fact that we have received no replies over the past years, we appeal to you once more, in accordance with your legal responsibilities, to intervene in this matter in order to have the Commission follow the proper legal

procedures established by international law and judicial precedent so as to protect the assets of the Iraqi people from unwarranted dissipation and waste.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs